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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,968	06/14/2005	Mensur Velicanin	BM-173PCT	7510

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EXAMINER	
FULTON, KRISTINA ROSE	
ART UNIT	PAPER NUMBER
3673	
MAIL DATE	DELIVERY MODE
10/14/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/538,968	VELICANIN, MENSUR	
	Examiner	Art Unit	
	KRISTINA R. FULTON	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 August 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to the RCE filed 8/13/10. Claims 1-4 are pending with claim 4 newly added.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent 2833662 to Ulderic in view of applicant's admitted prior art (AAPA)

4. Regarding claims 1-4, Ulderic shows a shaft (1) having a driver (5 or 6 can be considered a paddle) for actuating a lock, the driver formed integrally on the shaft, wherein the shaft is made of flexible material and, from two diametrically opposed sides, at least one pair of notches (figure 3 at 38) recessed in the shaft; wherein each notch

has two facing flank surfaces (outer edges of notches) and a remainder of the cross-section of the shaft is present between a base of the notches of each notch pair; wherein a plurality of notch pairs are provided so as to extend transversely to the axis and. so that only one of the notch pairs is in an axial section of the shaft (figure 3) and so that the flank surfaces extend in a radial plane relative to the axis (see figure 1 where the shaft is flexible); wherein successive notch pairs are separated by intermediate axial pieces (11) of the shaft, the intermediate axial pieces having full cross-section that extends across an entire diameter of the shaft without profiling; wherein a radial section through the shaft in a region of a notch pair has a remainder cross-section formed by a diametric web (7) having a flat profile and a web length that extends across the entire diameter (figure 2; see figure 8 if shaft is to be cylindrical) of the shaft; whereby differing radial sections are arranged in alternating succession along the shaft axis, the sections including a full shaft cross-section without profiling in a region of one of the intermediate axial pieces of the shaft and a profiled remainder section formed by the diametric web in a region of one of the notch pairs; wherein the webs produce flex points when a bending load is exerted on the shaft, so that, at the flex points, the two flank surfaces of the notches move toward each other on an inner side of the shaft bend away from each other on an outer side of the bend; and wherein rotation of the shaft transmits torque only via the diametric webs to the intermediate axial pieces of the shaft that have a full cross-section. Although Ulderic shows a shaft used to transmit torque, it is not shown in use with a lock in a door of a motor vehicle having an overload element. AAPA shows that this is a well known use for a flexible shaft. It would have been obvious to use the

shaft of Ulderic on a lock cylinder for a vehicle since the prior art and AAPA state that it is well known and common place to have a lock connected via a shaft to a lock cylinder so replacing one shaft with a functional equivalent (a different shaft) is within the skill of a worker in the art. Further, it is well known in the art to include an overload element to avoid damage to the lock. Please see Katagiri showing an overload element. Katagiri is used solely as support that this type of element is common place in vehicle door locks and is standard in the industry.

5. Regarding claim 4, the notch pairs are recessed in the shaft in alternating succession in two different directions so that the webs of the neighboring notch pairs are perpendicular to each other.

Response to Arguments

1. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINA R. FULTON whose telephone number is (571)272-7376. The examiner can normally be reached on M-TH 7-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KRISTINA R FULTON/
Examiner, Art Unit 3673
10/12/2010